BEFORE THE
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

THIS DECISION DESIGNATES FORMER BENEFIT DECISION NO. 5769 AS A PRECEDENT DECISION PURSUANT TO SECTION 409 OF THE UNEMPLOYMENT INSURANCE CODE.

In the Matter of:

MARJORIE O. (MILLIKEN) SULLIVAN
(Claimant)
S.S.A. No.

G. W. ROBINSON CO.
(Appellant-Employer)

PRECEDENT
BENEFIT DECISION
No. P-B-242

FORMERLY
BENEFIT DECISION
No. 5769

The above-named employer on April 19, 1951, appealed from the decision of a Referee (LA-40545) which held that the claimant was not subject to disqualification for benefits under Section 58(a)(1) of the Unemployment Insurance Act /now section 1256 of the Unemployment Insurance Code/, but was ineligible for benefits for one week ending January 2, 1951, under Section 57(e) of the Act /now section 1253(e) of the code/. On April 20, 1951, the case was remanded to a Referee for further hearing. This hearing was held on March 13, 1951, at Van Nuys and a transcript of the evidence obtained has been referred to this Appeals Board for consideration.

Based on the record before us, our statement of fact, reason for decision and decision are as follows:

STATEMENT OF FACT

The claimant was last employed as a comptometer operator at $1.05 per hour by the employer herein from April 5, 1948, to September 15, 1950, when she resigned for reasons hereinafter set forth. The claimant has had a total of ten years' experience as a comptometer operator.

On December 27, 1950, the claimant registered for work and filed a claim for benefits in the Van Nuys office

of the Department of Employment. On January 5, 1951, the Department issued a determination which held that the claimant was subject to disqualification for benefits for five weeks beginning December 27, 1950, under Section 58(a)(1) of the Act /now section 1256 of the code/ and that she was ineligible for benefits for one week ending January 2, 1951, under Section 57(e) of the Act /now section 1253(e) of the code/.

At the time of her resignation, the claimant signed a slip stating she was "getting married and moving". At this time neither she nor her future husband had selected a residence or home where they intended to live. Following their marriage on September 24, 1950, they moved into her mother-in-law's home which was thirty minutes travel time by public transportation to the employer's place of business in downtown Los Angeles. On October 5, 1950, the claimant and her husband moved to Sherman Oaks which was in an area described as the valley where her husband had a business. Their home was not in excess of one hour and fifteen minutes travel time to her employer's place of business. It is customary for a majority of the workers in the valley to commute to Hollywood and Los Angeles to work.

The claimant admittedly made no independent search for work during the week ending January 2, 1951, although her husband made inquiries of a few companies in the valley.

REASON FOR DECISION

Section 58(a)(1) of the Act /now section 1256 of the code/ provides in part that an individual shall be disqualified for benefits if he "has left his most recent work voluntarily without good cause".

The claimant herein voluntarily left her work and the issue is whether she had good cause for such leaving.

In Benefit Decision No. 5007-10318 we considered the situation where a claimant left her work in order to marry a man with an established residence in another city. Two days following her resignation she married

and immediately established a home with her husband. We held that a woman who leaves her work to marry a man who has an established home and employment in a community sufficiently far removed from that of the woman's last employment to make it impossible for her to establish her home at her husband's residence and continue to work for her last employer had good cause for leaving her work under Section 58(a)(1) of the Act /now section 1256 of the code/. (See also Benefit Decision No. 5087).

This case is distinguishable from the cited decisions in that at the time the claimant resigned to marry, her future husband had not selected a home in a locality which would have prevented the claimant from continuing in employment. When he established a home it was in an area from which many employees commute to the city of Los Angeles for work. In our opinion had the claimant acted as a reasonable person desirous of retaining employment she would not have severed the employer-employee relationship until it became apparent to her that she and her husband intended to establish a residence in an area too far removed for her to continue in employment. Under these facts, it is our opinion that the claimant left her employment for personal non-compelling reasons which do not constitute good cause under Section 58(a)(1) of the Act /now section 1256 of the code/ and is disqualified for benefits for five weeks beginning December 27, 1950, in accordance with Section 58(b) of the Act /now section 1260 of the code/. (Benefit Decision No. 5686).

The evidence also establishes that the claimant failed to make a reasonable search for work during the week ending January 2, 1951, as required by Section 57(e) of the Act /now section 1253(e) of the code/ and as found by the Referee.

DECISION

The claimant is disqualified for benefits for five weeks under Section 58(a)(1) of the Act /now section 1256 of the code/ in accordance with the provisions of

Section 58(b) of the Act [now section 1260 of the code]. Benefits are denied for the week ending January 2, 1951, under Section 57(e) of the Act [now section 1253(e) of the code].

Sacramento, California, July 6, 1951.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

MICHAEL B. KUNZ, Chairman

GLENN V. WALLS

EDWARD CAIN

Pursuant to section 409 of the Unemployment Insurance Code, the above Benefit Decision No. 5769 is hereby designated as Precedent Decision No. P-B-242.

Sacramento, California, February 24, 1976.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

DON BLEWETT, Chairperson

MARILYN H. GRACE

CARL A. BRITSCHGI

HARRY K. GRAFE

RICHARD H. MARRIOTT